

**IN THE UNITED STATES DISTRICT COURT  
OF THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

<b>BLUE SPIKE, LLC</b>	§	
<b>Plaintiff</b>	§	
	§	
<b>V.</b>	§	<b>No. 6:12CV499</b>
	§	<b>(LEAD CASE)</b>
<b>TEXAS INSTRUMENTS, INC.</b>	§	
<b>Defendant</b>	§	

**ORDER APPOINTING TECHNICAL ADVISOR  
AND REGARDING TIME FOR CLAIM CONSTRUCTION HEARING**

The Court, having received no objections to his appointment specifically,<sup>1</sup> hereby appoints Scott Woloson to serve as the technical advisor for the Court in the above case. Mr. Woloson's contact information is as follows:

Scott Woloson  
1431 Wirt Road #141  
Houston, Texas 77055  
Phone: (281) 352-9878  
Fax: (281) 978-2172  
Email: scott@scottwolosonlaw.com

Previously the Court scheduled a claim construction hearing October 1, 2014 at 9:00 a.m. The hearing will take place in Judge Steger's Courtroom in Tyler, Texas. Each side is limited to 1.5 hours for claim construction argument.

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<sup>1</sup> The Court notes it has received one objection to the Court's general practice of appointing technical experts in patent cases. In cases "where the scientific complexity of the technology is such that the district court may require the assistance of a technical advisor to aid in understanding the complex technology underlying the patent, it has the inherent authority to appoint such an advisor." *Techsearch, L.L.C. v. Intel Corporation*, 286 F.3d 1360, 1378 (Fed. Cir. 2002). This is one of those complex cases requiring the assistance of a technical advisor.

The parties are instructed to send courtesy copies of their claim construction briefing, as well as technical tutorial materials, to the Court and to the technical advisor in PDF form, with exhibits, to [scott@scottwolesonlaw.com](mailto:scott@scottwolesonlaw.com) and in paper form in three-ring binders (double-sided) with tabbed exhibits, to the office address listed above.

The technical advisor will provide the Court with a pre-hearing memo on or before September 26, 2014, and will meet with the Court immediately following the claim construction hearing. Because the technical advisor serves essentially as a law clerk to the Court and will be familiar with the claim construction issues in this case, the Court has requested that the technical advisor assist the Court in drafting a claim construction order. Mr. Woloson shall keep track of his time and submit a statement to the Court showing any hours expended.

The Court has considered Defendant Zvetco, LLC's request that it and other smaller "customer defendants" be excused from sharing the cost of the technical advisor and that those costs be apportioned between Plaintiffs and the "supplier defendants" only. Even though Judge Schneider determined this case will proceed in two groups (with Plaintiff's claims against the supplier defendants proceeding to trial first), the Court notes both groups are scheduled for one claim construction hearing October 1. Accordingly, the Court finds the cost of the technical advisor should be divided as follows: Plaintiff is directed to pay one-half of Mr. Woloson's compensation and Defendants are directed to pay one-half of Mr. Woloson's compensation, at a total rate of \$340 per hour. Payments shall be made within 30 days after receipt by the parties of copies of Mr. Woloson's billing statements approved by the Court. The Court taxes such costs to the parties pursuant to its inherent power to do so in the interest of promoting the efficient conduct of this complex litigation. *See Two Appeals (San Juan Dupont Plaza Hotel Fire Litig.)*, 994 F.2d 956 (1st Cir. 1994).

Mr. Woloson will execute an affidavit indicating his understanding of this Order prior to beginning his engagement.

**IT IS SO ORDERED.**

**SIGNED this 25th day of June, 2014.**

  
CAROLINE M. CRAVEN  
UNITED STATES MAGISTRATE JUDGE